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<p>1 you working there in Marianna and living</p> <p>2 with your parents?</p> <p>3 A. Yes.</p> <p>4 Q. Did you have any children during that</p> <p>5 time?</p> <p>6 A. I had my son. He was 5.</p> <p>7 Q. For the record, Defendant's Exhibit 3 is</p> <p>8 Bates marked HMMA 0027. And let me ask</p> <p>9 you, Ms. Horton, if you can identify</p> <p>10 Defendant's Exhibit 3, please.</p> <p>11 (The referred-to document was</p> <p>12 marked for identification as</p> <p>13 Defendant's Exhibit No. 3.)</p> <p>14 A. This is giving -- oh, no, no, no. This is</p> <p>15 not -- this is -- this is not what the</p> <p>16 copy that I have -- it wasn't even -- the</p> <p>17 copy I have was signed by a team member,</p> <p>18 one of our team leaders, what you call</p> <p>19 almost like a --</p> <p>20 Q. All right. Well, first of all --</p> <p>21 A. It's not even there.</p> <p>22 Q. -- what I've given you is a document --</p> <p>23 A. I've never seen that one. That's not the</p>	<p>1 I've been fired for, you know, this</p> <p>2 serious misconduct.</p> <p>3 Q. All right. That first paragraph there,</p> <p>4 the one that says, it has been brought to</p> <p>5 my attention -- do you see that paragraph?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Was that paragraph the same as the</p> <p>8 paragraph that you have before you now?</p> <p>9 MS. NICKSON: Answer if you know,</p> <p>10 Elizabeth. Don't guess at</p> <p>11 it.</p> <p>12 Q. So far as you know, are those paragraphs</p> <p>13 the same, one way or the other?</p> <p>14 A. Well, I don't really -- like I said, I</p> <p>15 don't really know but I remember this was</p> <p>16 stated in there, behaved in such a manner,</p> <p>17 but --</p> <p>18 Q. That created a hostile work environment of</p> <p>19 a sexual manner?</p> <p>20 A. Yeah.</p> <p>21 Q. The letter that you received said that?</p> <p>22 A. That was in the letter that I received.</p> <p>23 Q. Okay. And if you'll look at the second</p>
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<p>1 one I have.</p> <p>2 Q. Okay -- dated March 22, 2006. And did you</p> <p>3 receive a letter similar to this on March</p> <p>4 22, 2006?</p> <p>5 A. Yes.</p> <p>6 Q. And you received it at the gate that</p> <p>7 morning at the Hyundai plant?</p> <p>8 A. No.</p> <p>9 Q. No?</p> <p>10 A. We went into the office. We went off the</p> <p>11 premises.</p> <p>12 Q. And somebody gave it to you?</p> <p>13 A. Yes. And he wasn't even my manager.</p> <p>14 Q. He, you mean Harry Chase, the name that's</p> <p>15 at the bottom of this letter? Okay. If</p> <p>16 you would look at the letter, please.</p> <p>17 Tell me every way in which this letter</p> <p>18 differs from the letter you said you</p> <p>19 received.</p> <p>20 A. Well, first of all, the letter I received</p> <p>21 didn't even have my address on it. It</p> <p>22 just was dated March the 22nd. And it</p> <p>23 says that, of this day, you know, that</p>	<p>1 paragraph. Did the letter that you</p> <p>2 received say the information that's in</p> <p>3 that second paragraph, the one that</p> <p>4 begins, HMMA considers your action to be a</p> <p>5 serious misconduct violation?</p> <p>6 A. No, it wasn't -- no.</p> <p>7 Q. It didn't say that?</p> <p>8 A. Well, it could have -- I don't remember.</p> <p>9 Q. It could have? You're not certain one way</p> <p>10 or the other?</p> <p>11 A. I have the copy at home.</p> <p>12 Q. Oh, you do have that letter?</p> <p>13 A. Somewhere. I mean, I moved. It's</p> <p>14 somewhere -- in boxes somewhere. Well,</p> <p>15 not like that -- it was not that letter.</p> <p>16 Q. Okay. That's a very important letter.</p> <p>17 Will you find that letter and provide it</p> <p>18 to your attorney?</p> <p>19 A. It wasn't that. It was written on --</p> <p>20 Q. Yes, ma'am. But what I'm asking now is</p> <p>21 will you find that letter and provide it</p> <p>22 to your attorney so that she can provide</p> <p>23 it to us?</p>

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<p>1 A. Yeah.</p> <p>2 Q. Okay. Let me ask you this: Did the</p> <p>3 letter that you received have the</p> <p>4 information that's in the third paragraph</p> <p>5 there, the one that says, based on the</p> <p>6 aforementioned, I regret that I have no</p> <p>7 alternative but to terminate your</p> <p>8 employment effective immediately?</p> <p>9 A. I don't remember that.</p> <p>10 Q. Were you told on that morning, March 22,</p> <p>11 that you were being terminated?</p> <p>12 A. I was -- no. I worked the evening shift.</p> <p>13 Q. Okay. That evening, then. Were you told</p> <p>14 on that day?</p> <p>15 A. No.</p> <p>16 Q. What happened, then, when you got to the</p> <p>17 gate?</p> <p>18 A. Kelly -- actually, it was Kelly -- I can't</p> <p>19 think of her last name -- met me at the</p> <p>20 gate.</p> <p>21 Q. And it's Kelly somebody in the HR</p> <p>22 department at Hyundai?</p> <p>23 A. I never talked to anybody in the HR</p>	<p>1 little meeting room?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. And who wanted to meet with you</p> <p>4 there? Who did you meet with?</p> <p>5 A. Kelly was there. Kelly and I walked over</p> <p>6 there. Harry Chase showed up. And it was</p> <p>7 --</p> <p>8 Q. Harry Chase, the same person whose name is</p> <p>9 on that letter?</p> <p>10 A. Yeah. But -- Harry Chase showed up and</p> <p>11 Rob from -- Rob worked -- I'm trying to</p> <p>12 think how they call these. It's sort of</p> <p>13 like -- they represent the employees on</p> <p>14 something -- like a union person.</p> <p>15 Q. Like an ombudsman or something; is that</p> <p>16 what they call them?</p> <p>17 A. They work in -- I don't know. Rob was</p> <p>18 like group leader.</p> <p>19 Q. Is it Rob or Rod?</p> <p>20 A. Rod.</p> <p>21 Q. Spell it, please?</p> <p>22 A. Well, it was Rob, R-O-B.</p> <p>23 Q. R-O-B? And what's his last name?</p>
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<p>1 department.</p> <p>2 Q. Okay. Where does Kelly work?</p> <p>3 A. She works as a team group leader on my</p> <p>4 floor, in a different division.</p> <p>5 Q. And you were coming in for the start of</p> <p>6 your shift?</p> <p>7 A. Yeah.</p> <p>8 Q. And you were met by this Kelly person?</p> <p>9 A. Uh-huh.</p> <p>10 Q. What's her last name or his last name?</p> <p>11 A. Her. I don't remember Kelly's last name.</p> <p>12 Q. Okay. And what happened then?</p> <p>13 A. Kelly said they wanted to talk to me over</p> <p>14 in the building where all of the --</p> <p>15 Q. Administrative?</p> <p>16 A. No, no, it wasn't that. It was like --</p> <p>17 Q. Training?</p> <p>18 A. No, it wasn't. It was like a guard shack.</p> <p>19 We met over at the guard shack. They had</p> <p>20 a little room in the guard shack over</p> <p>21 there, security shack.</p> <p>22 Q. Okay. There was a little room, a</p> <p>23 conference room or something like that, a</p>	<p>1 A. I don't know.</p> <p>2 Q. Okay. So there were the four of y'all in</p> <p>3 that meeting room? There was anyone else?</p> <p>4 A. It was just the four of us.</p> <p>5 Q. Okay. And did they tell you at that time</p> <p>6 that you were being terminated?</p> <p>7 A. Yes.</p> <p>8 Q. And what did they tell you you were being</p> <p>9 terminated for?</p> <p>10 A. For causing a hostile environment in --</p> <p>11 Q. Of a sexual nature?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. And did they tell you that you were</p> <p>14 being terminated because you had been</p> <p>15 arrested for filing a false report?</p> <p>16 A. Uh-huh. I asked --</p> <p>17 Q. Did they mention the false report?</p> <p>18 A. Huh-uh.</p> <p>19 MR. STEWART: She needs to speak</p> <p>20 her answers out.</p> <p>21 A. No.</p> <p>22 Q. Did they mention the arrest?</p> <p>23 A. No.</p>

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<p>1 Q. Did anyone at Hyundai ever tell you that 2 you were being terminated because of the 3 arrest? 4 A. No. 5 Q. Okay. Either in writing or orally? 6 A. No. 7 Q. Okay. And you're going to get that letter 8 and share it with us, please? 9 A. Yes. 10 Q. Okay. Now, after you were terminated, you 11 filed a charge of discrimination with the 12 EEOC; is that correct? 13 A. Yes. 14 Q. And what did you say in your charge of 15 discrimination? 16 A. I gave them the information. As soon as I 17 started asking Tommy for my -- I was fired 18 because of this right there. And I said 19 that had the union -- had I booked with a 20 team relation -- Rob is a team relation 21 representative. I had the team relation 22 book there, and it states in the book that 23 if someone is causing someone a hostile</p>	<p>1 Q. Did you allege any discrimination other 2 than race and gender discrimination? 3 A. I don't think so. 4 Q. Okay. Just those two you think? 5 A. And retaliation. 6 Q. And retaliation, okay. Retaliation for 7 what? 8 A. I wanted my money from him. He filed that 9 complaint because I wanted my money. 10 Q. Oh, okay. And did you file a statement 11 explaining the basis for your charge of 12 discrimination with the EEOC, an affidavit 13 of some sort? 14 A. Yes. 15 Q. Okay. And you set forth your statement in 16 there of all the reasons you thought you 17 had been discriminated against? 18 A. Uh-huh. Yes, I did. 19 Q. Thank you. And do you have a copy of your 20 EEOC charge and your statement and any 21 correspondence between you and the EEOC? 22 A. I do not. I knew that they called me and 23 told me that they're moving forward with</p>
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<p>1 environment and if they report that, then 2 you need to -- you have to have a 3 conversation between the two people and a 4 manager. Well, we didn't have a manager 5 on night anyway, so Harry Chase was from 6 -- our manager had quit, and Harry is from 7 another department. But if somebody 8 brings it to any other manager, then you 9 have to bring us both in there together 10 and talk about it, because -- and that 11 didn't ever happen. 12 Q. Well, I'm trying to move you on a little 13 bit, because we're running out of time. I 14 want you to tell me everything you said, 15 but let me refocus my question, make it a 16 little bit sharper. Did you allege race 17 discrimination? 18 A. Yes. 19 Q. Okay. Did you allege gender 20 discrimination? 21 A. Yes. 22 Q. Did you allege age discrimination? 23 A. I don't think so.</p>	<p>1 the investigation. 2 Q. You didn't keep a copy of your charge 3 statement or your affidavit? 4 A. No. 5 Q. Will you look and see if you have that at 6 home and if you do, please provide it to 7 your attorney? 8 A. I can get that from them. 9 Q. Did you tell the EEOC that you thought you 10 had been fired because of the arrest and 11 because of the controversy caused at 12 Hyundai of the sheriff's coming out and 13 everything because of the arrest? Did you 14 mention any of that to the EEOC? 15 A. Yeah, I did. I mentioned that. 16 Q. What did you say to them? 17 A. I said, well, ever since, you know, the 18 arrest and me and the attorney conflict 19 about calling me a criminal, then 20 everything just went from there. Because 21 it was mentioned several times by him. 22 Q. Who is him? 23 A. Tommy Certain. And --</p>

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<p>1 Q. Tommy who?</p> <p>2 A. Tommy Certain. Certain, who filed this</p> <p>3 complaint.</p> <p>4 Q. Yeah.</p> <p>5 A. And Harry Chase and them, they asked me</p> <p>6 about the arrest before this ever</p> <p>7 happened.</p> <p>8 Q. Okay. Do you know Felicia Barrow?</p> <p>9 A. Only -- I was introduced to her on the</p> <p>10 phone, by Don and Emily.</p> <p>11 Q. And where did she work?</p> <p>12 A. Director of Medicaid when I -- last thing</p> <p>13 I knew.</p> <p>14 Q. And that's how you knew her as?</p> <p>15 A. Yes, director of the prior approval</p> <p>16 department.</p> <p>17 Q. And if she had told her supervisors that</p> <p>18 you said that -- hang on just one second,</p> <p>19 please -- that National Mobility System</p> <p>20 was engaged in fraudulently billing</p> <p>21 Medicaid or putting false dates on</p> <p>22 prescriptions, would you have expected the</p> <p>23 agency to investigate that?</p>	<p>1 A. No.</p> <p>2 Q. Okay. I think we've covered what you said</p> <p>3 to her in that six-months-ago</p> <p>4 conversation, have we not? Didn't Mr.</p> <p>5 Stewart ask you all about that? If you've</p> <p>6 got anything to add to that, please tell</p> <p>7 me, but otherwise, I don't want to go back</p> <p>8 over it.</p> <p>9 A. I think so.</p> <p>10 Q. Okay. Now, earlier today you said that</p> <p>11 there were two instances in which there</p> <p>12 were prescriptions that did not have dates</p> <p>13 on them. And I'm going to tell you what I</p> <p>14 understood your testimony to be, and then</p> <p>15 you tell me if I got it wrong, okay; that</p> <p>16 there were two instances in which</p> <p>17 prescriptions did not have dates on them.</p> <p>18 And on the first one you said something</p> <p>19 like, Emily, this prescription doesn't</p> <p>20 have a date on it, and she said, just put</p> <p>21 a date on it. And you said, huh-uh, I'm</p> <p>22 not doing that; if you want to put a date</p> <p>23 on it, you do it. And she said, put it on</p>
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<p>1 A. But I didn't tell her that.</p> <p>2 Q. But if she did, would you expect the</p> <p>3 agency to investigate it?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And if she said you did that, would</p> <p>6 she be lying?</p> <p>7 A. Yes, she would be lying.</p> <p>8 Q. You did not tell her that?</p> <p>9 A. No. And that cleared up in court.</p> <p>10 Q. And you say under oath today that you did</p> <p>11 not tell her that anyone at National</p> <p>12 Mobility System was engaged in fraudulent</p> <p>13 billing or in changing or using false</p> <p>14 dates on prescriptions?</p> <p>15 A. I told Felicia when she called and asked</p> <p>16 me -- they said they discovered some</p> <p>17 incorrect -- some things wrong with</p> <p>18 billings by calling the --</p> <p>19 Q. This is when she called you about six</p> <p>20 months after your termination?</p> <p>21 A. Yeah, she called me.</p> <p>22 Q. Okay. Before that, did you ever tell her</p> <p>23 anything like that?</p>	<p>1 my desk, and I'll take care of it. That's</p> <p>2 what happened on the first one, right,</p> <p>3 more or less?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And then on the second one, you said,</p> <p>6 Emily, here's another one that doesn't</p> <p>7 have a date on it. She said, put it on my</p> <p>8 desk and I'll take care of it; isn't that</p> <p>9 correct?</p> <p>10 A. I just put -- yeah, I put it on her desk.</p> <p>11 Q. Okay. She told you to put it on her desk?</p> <p>12 A. Well, she told me -- well, I asked her</p> <p>13 about it. I said, these don't have no</p> <p>14 dates. But on the second one, I had</p> <p>15 called -- actually, that's when Mike --</p> <p>16 Mike Maddox said that. And let's rephrase</p> <p>17 this.</p> <p>18 Q. Okay.</p> <p>19 A. When I realized there was no dates on the</p> <p>20 first prescription, I called Michael --</p> <p>21 Michael Maddox, and he asked me where was</p> <p>22 Emily, first of all. And I said she</p> <p>23 wasn't here. And then he said -- well,</p>

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<p>1 Mike said he'd get back with me. And I</p> <p>2 asked Emily about the dates, and she said,</p> <p>3 well, go ahead and put this date on it.</p> <p>4 And I said, no, I'm not going to put a</p> <p>5 date on there; if you want to put a date</p> <p>6 on there, you put it yourself. So I put</p> <p>7 that on her desk. The second time I</p> <p>8 called Mike Maddox, Mike said, Emily and</p> <p>9 Don told me never put any dates on my</p> <p>10 prescriptions. That's what he said.</p> <p>11 Q. And what did you do?</p> <p>12 A. I stayed out of that.</p> <p>13 Q. Did you call that matter to Emily's</p> <p>14 attention the second time?</p> <p>15 A. No, I did not, because he told that to Ms.</p> <p>16 Barrow also.</p> <p>17 Q. So the second time you had a prescription</p> <p>18 with no date, you did not call that to</p> <p>19 Emily's attention?</p> <p>20 A. I just put it on her desk.</p> <p>21 Q. You just put it with no comment or note?</p> <p>22 A. No, sir.</p> <p>23 Q. Okay. So the only time you actually</p>	<p>1 A. Yes.</p> <p>2 Q. Did he ever tell you or did you ever ask</p> <p>3 him what to do if you got a prescription</p> <p>4 without a date?</p> <p>5 A. No. Don didn't even deal with that kind</p> <p>6 of stuff.</p> <p>7 Q. Okay. The amended complaint states in</p> <p>8 Paragraph 15 -- and I'll read it to you.</p> <p>9 (As read:) "Plaintiff avers that</p> <p>10 Defendant Williams -- and that's Mr. Don</p> <p>11 Williams -- was questioned, and he -- by</p> <p>12 an investigator for the Medicaid agency --</p> <p>13 and he accused her of lying because her</p> <p>14 employment with National Seating &</p> <p>15 Mobility, Inc., was terminated." What's</p> <p>16 the basis for that statement?</p> <p>17 A. You see, that's what I'm -- that's the</p> <p>18 first time I ever read that, was the day</p> <p>19 of the court.</p> <p>20 Q. Okay. And what did you read that in?</p> <p>21 A. Tommy Goggins showed that to me.</p> <p>22 Q. He showed you a piece of paper?</p> <p>23 A. Yeah. He showed me the reply that Gerry</p>
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<p>1 discussed that with Emily was the first</p> <p>2 time?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Now, Emily was the office manager;</p> <p>5 is that correct?</p> <p>6 A. Yeah, branch manager.</p> <p>7 Q. Branch manager, office manager? She's the</p> <p>8 one you reported to?</p> <p>9 A. Yes.</p> <p>10 Q. Now, Mr. Williams, you did not report to</p> <p>11 him, did you?</p> <p>12 A. No, not really.</p> <p>13 Q. I mean, he was not your supervisor, was</p> <p>14 he?</p> <p>15 A. No.</p> <p>16 Q. And did you ever ask him what to do about</p> <p>17 prescriptions that didn't have a date?</p> <p>18 A. No.</p> <p>19 Q. Did you ever discuss that matter with him?</p> <p>20 A. The only time we discussed something was</p> <p>21 if he knew how to do something on the</p> <p>22 system and I did not.</p> <p>23 Q. You mean on the computer system?</p>	<p>1 Shockley sent him.</p> <p>2 Q. Okay. And this was then a -- it was a</p> <p>3 document from Gerald Shockley that --</p> <p>4 A. To my attorney, Tommy Goggins.</p> <p>5 Q. And in that, it had -- did it have a</p> <p>6 statement or a signed affidavit, or did it</p> <p>7 just recite what it said that Mr. Williams</p> <p>8 had said or what? What did it say?</p> <p>9 A. It had that all in that letter. I just</p> <p>10 remember that was said and we discussed</p> <p>11 that in court.</p> <p>12 Q. How thick was that document that he showed</p> <p>13 you?</p> <p>14 A. I don't know.</p> <p>15 Q. One, two, three, ten pages?</p> <p>16 A. I don't think it -- no, it wasn't no ten</p> <p>17 pages or so.</p> <p>18 Q. Okay. Was it signed by Mr. Williams?</p> <p>19 A. Yeah.</p> <p>20 Q. It was signed by Mr. Williams, the</p> <p>21 document that he showed you?</p> <p>22 A. Gerry Shockley and -- well, I don't know.</p> <p>23 Q. You don't know if it was?</p>

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<p>1 A. I don't know.</p> <p>2 Q. Okay. Do you know if Mr. Williams had</p> <p>3 ever seen it before either?</p> <p>4 A. I don't know. I never talked to him.</p> <p>5 Q. Do you know if Mr. Shockley -- scratch</p> <p>6 that. Do you know if Mr. Shockley ever</p> <p>7 asked Mr. Williams if you should be</p> <p>8 arrested?</p> <p>9 A. I don't know. No, I don't know.</p> <p>10 Q. You don't know one way or the other?</p> <p>11 A. I don't know.</p> <p>12 Q. In your amended complaint, it alleges that</p> <p>13 Mr. Williams was under some sort of a</p> <p>14 monthly quota. What does the complaint</p> <p>15 mean by that?</p> <p>16 A. That is -- Danielle calls me -- and this</p> <p>17 is discussed openly, that they've got so</p> <p>18 much -- this is the numbers they've got to</p> <p>19 reach for this month, you know, on their</p> <p>20 books. You've got to get this out; you've</p> <p>21 got to get this much -- we need this much</p> <p>22 amount -- we need this much amount for</p> <p>23 this month. So that was discussed through</p>	<p>1 sheet about how much they have to get out</p> <p>2 for that month, what's the goal for that</p> <p>3 month, put it that way.</p> <p>4 Q. And what did they say would be the</p> <p>5 consequence if they did not meet their</p> <p>6 goal?</p> <p>7 A. Well, I don't know.</p> <p>8 Q. You don't know?</p> <p>9 A. I don't know what happened to them.</p> <p>10 Q. Did they ever not meet the goal?</p> <p>11 A. I don't know. I was only there -- I have</p> <p>12 no idea.</p> <p>13 Q. You don't know one way or the other?</p> <p>14 A. No.</p> <p>15 Q. And you don't know if there were any</p> <p>16 consequences if they did not meet the</p> <p>17 goal?</p> <p>18 A. No.</p> <p>19 Q. Okay. Did I ask you if there were only</p> <p>20 two files that you saw that didn't have</p> <p>21 the date on them? Did we cover that</p> <p>22 earlier? We did, didn't we?</p> <p>23 A. It was prescriptions.</p>
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<p>1 Danielle all over the -- you know, you</p> <p>2 just have to get those numbers in, get</p> <p>3 that money in for Medicaid. So that's</p> <p>4 what you call -- you have to get so much</p> <p>5 in for the month, because they set the</p> <p>6 quota in Nashville.</p> <p>7 Q. And who was responsible for meeting that</p> <p>8 quota? The whole office, Emily, Don, you,</p> <p>9 who?</p> <p>10 A. I was responsible for filing them. So</p> <p>11 Emily was responsible for getting the</p> <p>12 material -- or going out and getting the</p> <p>13 patients; Don was responsible for building</p> <p>14 the wheelchairs and getting the materials.</p> <p>15 Q. And if that quota was not -- did Don ever</p> <p>16 tell you that he had a quota of some sort?</p> <p>17 Did Mr. Williams ever tell you that?</p> <p>18 A. Yes.</p> <p>19 Q. He did?</p> <p>20 A. He told me; Emily told me --</p> <p>21 Q. What did Mr. Williams tell you?</p> <p>22 A. I mean, every month, you have -- they said</p> <p>23 you have -- Danielle would send them a</p>	<p>1 Q. Two prescriptions, okay. And there were</p> <p>2 only two that you saw, and you told me</p> <p>3 about that, right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. In Paragraph 35 of your second --</p> <p>6 of your amended complaint, it says, quote</p> <p>7 (as read:) "Plaintiff avers that</p> <p>8 Defendant Williams acted out of malice or</p> <p>9 under such circumstances, including lack</p> <p>10 of probable cause, as would imply malice."</p> <p>11 Do you know what that sentence means?</p> <p>12 A. Yeah.</p> <p>13 Q. What does that mean?</p> <p>14 A. Well, to the best of my ability.</p> <p>15 Q. Sure.</p> <p>16 A. Well, I feel like, you know, if he got</p> <p>17 questioned by somebody about that, it</p> <p>18 wasn't because of me. And so he turned</p> <p>19 the tables back on me and actually lied</p> <p>20 intentionally and maliciously and got me</p> <p>21 arrested for something.</p> <p>22 Q. And what lie is it you're referring to?</p> <p>23 A. I never said they -- never, ever -- never</p>

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<p>1 reported anything to Medicaid. I never 2 told Medicaid that. 3 Q. So the lie being referred to here is that 4 he told -- he told Medicaid that you had 5 reported something? 6 A. That me and Felicia was actually 7 retaliating against him because he fired 8 me, that I reported -- 9 Q. So what this refers to is that, when 10 Medicaid went to him, he said -- 11 A. When Gerald Shockley went to him. 12 Q. When Gerald Shockley went to him, he said, 13 she's trying to get back at me because I 14 fired her. 15 A. Yes. 16 Q. That's what this Paragraph 35 is referring 17 to? 18 A. That's what I think it is. 19 Q. Why did Medicaid go to him at that time; 20 do you know? 21 A. Once again, Felicia and them said that 22 they had -- my understanding was, when 23 they contacted me, was that they --</p>	<p>1 to talk with him, he said, she's trying to 2 get back at me because I fired her, and 3 that was, you say, a lie? 4 A. Yeah. 5 Q. Okay. Do you have any other claim against 6 Mr. Williams? 7 A. No. 8 Q. Okay. Thank you. I think you just 9 shortened your deposition a lot. If 10 you'll just give me just a second to look 11 over my notes. 12 Ms. Horton, assume we agree 13 that Mr. Williams did, in fact, tell the 14 investigators a lie and said that you 15 weren't telling the truth, that you were 16 just trying to get back at him for 17 terminating your employment. I think 18 you've already testified that he did not 19 actually terminate your employment, did 20 he? 21 A. No. 22 Q. Okay. You had already quit? 23 A. Yes.</p>
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<p>1 National Seating has been under an 2 investigation for over a year because of 3 Chasely Weeks. I didn't even know that. 4 But they were going back through some 5 stuff and researching or auditing or 6 something and found some things. And some 7 back in 2004 -- I mean 2002 and some in 8 the early part of 2004 that I had no idea 9 about. And so when she said that they had 10 already talked to Gerry Shockley and sent 11 it -- they sent that over to Gerry 12 Shockley's office and asked Gerry Shockley 13 and them to go in there and investigate 14 and pull their records. So I didn't even 15 know that either. So -- and then when 16 Gerry Shockley went in there to talk to 17 Don and he told him whatever, whatever, 18 and Don told him about the reason why it's 19 been done -- the investigation is going 20 on, is because me and Felicia -- 21 Q. And is that the allegation that you have 22 against Mr. Williams, that when the 23 Medicaid people or the investigators came</p>	<p>1 Q. Okay. And -- 2 A. He might have terminated it with Kelly 3 Services, but Theresa already knew that I 4 had quit. 5 Q. Okay. And did anyone ever tell you that 6 you were arrested because of what Don 7 Williams said? 8 A. Yes, my lawyer, Tommy Goggins. 9 Q. Okay. What did -- now, be very careful 10 here. 11 MS. NICKSON: Let me object. 12 Whatever was said between 13 you and Tommy is privileged. 14 Q. Now, you have -- whatever your attorney 15 Tommy told you is privileged. You have 16 the right to waive that privilege if you 17 want to -- and I'm not asking you to do 18 that one way or the other. I'll warn you 19 that if you do waive the privilege, we'll 20 ask Mr. Goggins to come in here and we'll 21 depose him. Okay? Let me ask that 22 question again. Did anyone other than 23 your former attorney, Mr. Goggins, ever</p>

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<p>1 tell you that you were arrested because of</p> <p>2 what Don Williams allegedly said to the</p> <p>3 investigators?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And who would that have been?</p> <p>6 A. Cliff Johnson and Felicia Barrow.</p> <p>7 Q. Okay. And at the time you and Don</p> <p>8 Williams -- I mean you and Tommy Goggins</p> <p>9 may have discussed this matter, was he</p> <p>10 representing you as your lawyer?</p> <p>11 A. Yes.</p> <p>12 Q. And who else was present?</p> <p>13 A. Just he and I, the day of the court.</p> <p>14 Q. Okay. I see, the day of the court. Okay.</p> <p>15 And -- all right. Let's skip over that.</p> <p>16 So who else did you say told you this?</p> <p>17 A. Well, Felicia Barrow and Cliff Johnson,</p> <p>18 when I called and asked them why was I</p> <p>19 being arrested for them calling me and</p> <p>20 asking me questions.</p> <p>21 Q. Now, what authority did Felicia Barrow</p> <p>22 have over your arrest; do you know?</p> <p>23 A. Authority?</p>	<p>1 Mr. Shockley?</p> <p>2 A. Not after that, no, sir.</p> <p>3 Q. Have you told us everything that you said</p> <p>4 in that one conversation with</p> <p>5 Mr. Shockley?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And everything he said to you?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Let's move on. Then after you</p> <p>10 talked with Mr. Shockley, you were going</p> <p>11 to tell me about talking to Felicia.</p> <p>12 A. I called Cliff --</p> <p>13 Q. Oh, okay, Cliff.</p> <p>14 A. -- and left him a message on his</p> <p>15 voicemail, Cliff Johnson, that Monday</p> <p>16 also.</p> <p>17 Q. And how did you know Mr. Johnson?</p> <p>18 A. Well, they called me.</p> <p>19 Q. He had called you in his capacity as an</p> <p>20 investigator, hadn't he?</p> <p>21 A. Yes, yes.</p> <p>22 Q. All right. And did you ever call you</p> <p>23 back?</p>
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<p>1 Q. Uh-huh.</p> <p>2 A. She had no authority over my arrest.</p> <p>3 Q. Okay. So how would she know what was the</p> <p>4 cause of your arrest; do you know?</p> <p>5 A. Well, when I asked the officer why was I</p> <p>6 being arrested -- they told me what I was</p> <p>7 being arrested for and who filed the</p> <p>8 charge.</p> <p>9 Q. That who filed the charge?</p> <p>10 A. That Gerry Shockley -- the attorney</p> <p>11 general had filed the charge. And I said</p> <p>12 -- I called them and asked them why.</p> <p>13 Q. Who, Gerald Shockley?</p> <p>14 A. Yeah. I called him and asked him why.</p> <p>15 Q. And he said what?</p> <p>16 A. I asked him why did he file that charge on</p> <p>17 me saying that I filed a false report with</p> <p>18 a law enforcement agency, he said come</p> <p>19 down to his office and we can talk about</p> <p>20 it. I said, I'm not coming down to your</p> <p>21 office. I called Felicia -- I left --</p> <p>22 Q. Wait, wait, before you move on. Did you</p> <p>23 ever have any other conversation with</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. And what did he say to you?</p> <p>3 A. He said, what happened. I said, I got</p> <p>4 arrested, and I'd like to know why did I</p> <p>5 get arrested; why did Gerry Shockley</p> <p>6 arrest me saying I filed a false report.</p> <p>7 And he didn't even know that Gerry</p> <p>8 Shockley had arrested me. He had no</p> <p>9 knowledge of it. But they did call him</p> <p>10 and talk to -- I have no idea. That's</p> <p>11 what they told me. I have no idea.</p> <p>12 Q. They did call who?</p> <p>13 A. Mr. Shockley.</p> <p>14 Q. Oh, okay.</p> <p>15 A. Now, this is hearsay.</p> <p>16 Q. Okay. Now, when you talked to Mr. Cliff</p> <p>17 Johnson this time that you're talking</p> <p>18 about, did he say anything about Don</p> <p>19 Williams?</p> <p>20 A. They said that -- afterwards, they called</p> <p>21 me back. He and Felicia called back, and</p> <p>22 they were on speaker phone. And after</p> <p>23 they talked to Gerry Shockley and Gerry</p>

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<p>1 Shockley told them what Don said was the 2 reason why I got arrested. 3 Q. And you're saying that Mr. Shockley said 4 to them and they said to you that the 5 reason you got arrested was that 6 Mr. Williams said that you had not told 7 the truth but were trying to get back at 8 him for terminating your employment? 9 A. Yes. Because Gerry Shockley, my 10 understanding, Cliff said works for them. 11 Q. Okay. So they told you they had been told 12 that by Mr. Shockley, correct? 13 A. Yes. 14 Q. And then they were telling you that? 15 A. Yes. 16 Q. Okay. Did they know anything about that 17 firsthand or the other? Did y'all have 18 any -- go ahead and answer that question. 19 A. Did they know about me being arrested 20 firsthand? 21 Q. Did they know anything about -- let me 22 strike that and ask it again. 23 Did they tell you they had any</p>	<p>1 say that they said that Mr. Shockley said 2 that the reason you got arrested was 3 because of what Don Williams said? 4 A. Yes. 5 Q. What else did they say? 6 A. And that -- after that conversation with 7 them, they told me what Don had said. And 8 I said -- well, I was pretty much shocked. 9 Because I said, I don't believe it. I 10 didn't -- for some reason, I don't know, I 11 didn't think that would come out -- I 12 didn't think he said that. So -- but when 13 I read that -- because I was still trying 14 to figure out how did I get arrested when 15 they were the ones who were doing the 16 investigation and they called me. So I 17 was trying to figure out how did I get 18 tied in. And when they told me initially 19 that it's been under investigation for a 20 year by Chasely Weeks, I was still trying 21 to figure out why -- how do I play into 22 this. So I didn't think that Don had said 23 anything like that.</p>
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<p>1 personal knowledge about the role that 2 Mr. Williams may have played in your 3 getting arrested, or were they simply 4 relaying to you what they said 5 Mr. Shockley said to you? 6 A. They told me what Mr. Shockley said to me. 7 But -- 8 Q. Did they tell you -- I'm sorry. Go ahead. 9 A. Felicia got a subpoena and Gerry Shockley 10 showed her that stuff. 11 Q. Whatever that document is that you saw? 12 A. By my lawyer that day. 13 Q. Uh-huh. When did Mr. Shockley show that 14 to Felicia? 15 A. I have no idea. They mentioned that in 16 the courtroom. 17 Q. Oh, okay. Oh, you know that from the 18 courtroom testimony? 19 A. Uh-huh. 20 Q. Okay. In that conversation with Felicia, 21 when Felicia and Cliff Johnson called you 22 back, did they say anything about 23 Mr. Williams other than the fact that you</p>	<p>1 Q. Did anyone ever tell you that Mr. Williams 2 asked that you be arrested or swore out a 3 warrant for your arrest or anything like 4 that? 5 A. Nobody told me that. 6 Q. Okay. Do you have any reason to believe 7 that he did? 8 A. No, I don't. 9 Q. Okay. In the document that you got from 10 Ms. Joann Turpen -- do you recall that 11 earlier? 12 A. Yes. 13 Q. Okay. It says that you have a right to 14 obtain an additional free copy of the 15 report that the Risk Mitigation Services 16 provided to Baptist Healthcare. Did you 17 obtain a copy of that report? 18 A. That is it right there. What she sent to 19 me in the mail was an adverse -- there's 20 something on there. 21 Q. But let me show you this right here. It 22 says (as read:) "You have the right to 23 obtain an additional free copy of the</p>

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<p>1 report within 60 days of your receipt of 2 this letter by contacting Risk Mitigation 3 Services, Inc." Do you see that? 4 A. Yes. 5 Q. Did you ever contact them and get a free 6 copy of that report? 7 A. I contacted them and talked with them. 8 Q. Did you ever get a free copy of the 9 report? 10 A. They told me they sent me one out -- she 11 told -- yeah. He told me they sent me one 12 out in the mail. 13 Q. Did you ever receive it? 14 A. No, not that I -- not to my knowledge. 15 Q. So you don't have a copy of that report? 16 A. No, sir. 17 Q. Okay. Thank you. 18 MS. NICKSON: I'll provide you 19 with a copy of it. 20 MR. WALKER: Oh, do you have a 21 copy of it? Okay. Thank 22 you very much. 23 MS. NICKSON: It does reference</p>	<p>1 didn't believe that Don -- I just could 2 not believe that Don said that. I did not 3 -- until somebody had to show me that in 4 that paper there. And then when we were 5 in court, Don said that the reason why 6 they terminated me was because I was 7 friends with Felicia. But he didn't 8 terminate me. I was never working for 9 National Seating on a permanent -- I 10 wasn't even on their payroll; I was 11 working through a temporary service. So 12 when he said -- told the judge that our 13 friendship -- but I wasn't friends with 14 her. So until Tommy Goggins showed me 15 that, I didn't believe -- I not believe 16 it. 17 Q. Do you know whether or not he actually 18 thought you were friends with Felicia 19 Barrow? 20 A. I don't know. 21 Q. You don't know one way or the other? 22 A. Apparently he must have thought it if he 23 said it in court.</p>
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<p>1 the false -- 2 MR. WALKER: Okay. Do you have 3 that now? Did you bring it 4 to the deposition with you? 5 MS. NICKSON: Huh-uh. 6 MR. WALKER: Any reason why not? 7 MS. NICKSON: Huh-uh. 8 Q. Can you get copies of your credit rating, 9 those past credit ratings that you 10 referred to, for us? 11 A. Yes. 12 Q. Okay. Will you do that and give them to 13 your attorney, please? 14 A. Yes. 15 Q. Thank you. Remember that I said my goal 16 when we started was that you would tell me 17 everything you have that's the basis for 18 your claim against Mr. Williams? So now I 19 will ask you before I pass you on to 20 Mr. Wallace, have you told me all of your 21 claims about Mr. Williams and all of the 22 bases for those claims? 23 A. Yes. And this I want to say: I still</p>	<p>1 Q. He must have thought that, right? 2 A. Uh-huh. 3 Q. Okay. I don't think I have any more 4 questions for you right now. 5 EXAMINATION 6 BY MR. WALLACE: 7 Q. Ma'am, I'm Jack Wallace, and I represent 8 Gerald Shockley. I'm going to state some 9 things that I think I've heard you testify 10 to, and if I'm wrong, please correct me. 11 I think I've understood you to testify 12 that your relationship with Felicia Barrow 13 was simply a professional acquaintance? 14 A. I only talked to her on the phone when I 15 was at National Seating. 16 Q. Did you ever go to lunch with her? 17 A. I never went to lunch with her. 18 Q. Did you ever go to dinner with her? 19 A. I never went to dinner with her. 20 Q. Did you ever have a drink after work with 21 her? 22 A. No, I never had a drink with her after 23 work.</p>

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<p>1 Q. So it was strictly a telephone work 2 relationship? 3 A. That was it. 4 Q. And based on that kind of relationship, 5 would she have any reason to want to hurt 6 you in any way? 7 A. No. I don't know. You tell me. They 8 called me. I have no idea. I don't know. 9 Q. Okay. And so if it's a neutral 10 professional acquaintance, would she have 11 any reason to want to help you in any way? 12 A. No. 13 Q. Well, can you explain to me why she made 14 two telephone calls to National Seating & 15 Mobility, one to Danielle Percal 16 (phonetic) in Franklin, Tennessee, and one 17 to a lady in Birmingham, Ms. Lois Bodiford 18 (phonetic), after you were fired, urging 19 them to hire you back or telling them it 20 would be a mistake to fire you? 21 A. No. I didn't even know that until I heard 22 that in court, at all. See, she didn't 23 even know that I was temporary. She</p>	<p>1 -- she was calling there the week after I 2 was gone. And so I didn't find out in 3 court until she had called Emily and asked 4 Emily why I wasn't there. Because we 5 didn't have that kind of relationship. I 6 never told her any of my business, you 7 know, we just talked about EDS; we talked 8 about other places. I talked about that 9 with Jerry Sanders, you know, because I'm 10 new in town; I'm trying to find places to 11 look for a job that was permanent. So 12 when I left there, I never told Felicia 13 anything. And so when she called there 14 and -- when Emily was calling and getting 15 information, she was wondering where I 16 was. And so Emily said they had a layoff, 17 that, you know, it was just going to be 18 her and Don in the office, that corporate 19 -- that Franklin, Tennessee decided that. 20 That's what I was told. That's what I 21 heard in court. But when I said that I 22 was not a permanent employee, I was a 23 temporary employee, she had no idea until</p>
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<p>1 didn't even know I was a temporary 2 employee until she found that out in 3 court. She didn't even know, and they 4 didn't even tell her. When she called 5 Emily and asked her, oh, where's Elizabeth 6 today -- because they were so used to 7 hearing me call them every day asking for 8 information, and when they didn't hear my 9 voice anymore, she asked what was going on 10 with me. And Emily said that they had 11 cuts -- you know, they had to cut down 12 because they wouldn't meet their -- so 13 they had to lay people off; I was laid 14 off; they were going to do it by 15 themselves. And I said, no, I was 16 temporary; I quit. She didn't even know. 17 She had no idea I was a temporary 18 employee. 19 Q. And so it's your testimony that she made 20 those calls after you were arrested and 21 prosecuted for filing a false claim? 22 A. No, no, no. Those were made -- that right 23 there was told in court before -- the day</p>	<p>1 I was in court. And when I told the 2 judge, I said, I was not a permanent 3 employee; I was not on National Seating's 4 payroll; I was being paid by Kelly 5 Services on a temporary assignment, that's 6 when she found that out. Now, before then 7 -- and this is what was mentioned in 8 court. Because they were so used to 9 talking to Chasely Weeks -- now, the 10 lawyers and the lady in Birmingham talked 11 all the time -- whatever her name, 12 Felicia, and that lady in Birmingham 13 talked all the time. This was mentioned. 14 They talked about several things when they 15 called there to get some orders done -- 16 she called Felicia too down there. So 17 Felicia said to the judge that she had 18 called and asked that lady about me. 19 Because when Chasely got fired, she asked 20 the same thing about Chasely. So she 21 thought the same thing happened to me, but 22 I was just temporary. 23 Q. And so as you've previously testified,</p>

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<p>1 though, there would be no reason for her 2 to want to hurt you either? 3 A. No. 4 Q. And I believe it's your testimony that you 5 did not contact her at the time that you 6 left National Seating & Mobility to report 7 any irregularities with the Medicaid 8 finances that you saw being processed by 9 National Seating & Mobility? 10 A. I never contacted her; they contacted me. 11 Q. Well, then why would Felicia Barrow sign 12 an affidavit -- or excuse me, not an 13 affidavit, a memorandum on the 12th of 14 July, 2004, in which she says, a former 15 employee of the company is willing to 16 provide information necessary to assist in 17 any investigation conducted. And it's 18 concerning forgery of recipient 19 signatures, improper billing practices, 20 such as submitting requests for 21 reimbursement of repair items already in 22 their stock, instructing clients to 23 deliberately leave the date section blank</p>	<p>1 with her. 2 Q. Oh, no, ma'am; that's another day. 3 A. Then she didn't tell me that, then. 4 Q. No, ma'am. That date is June the 15th, 5 2005, in which she testified -- in which 6 she stated to Shockley on tape -- and we 7 have a tape recording of it we'll be glad 8 to play for you at trial -- 9 A. Oh, please. 10 Q. -- that says that Elizabeth Horton gave me 11 this information. And you didn't give it 12 to her, did you? 13 A. She called me and asked me. She said, 14 we've got some problems here; we've been 15 looking over National Seating stuff. And 16 she said, can you tell me some of the 17 things that, you know, that you've 18 probably seen, because this goes back, way 19 back. And I said, I wasn't there way 20 back. I said, only thing I seen -- and 21 you know what? Putting false dates -- 22 putting false dates on a prescription is 23 fraudulent. Now, I don't know if Emily</p>
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<p>1 on the delivery ticket so they may 2 manipulate the date based on the PA 3 conditional approval receipt from 4 Medicaid, holding request with outdated 5 prescriptions, RX, and when Medicaid 6 informs they must submit a current RX, 7 they indicate a current date on another 8 RX. So why would she say that a former 9 employee is willing to give evidence about 10 these concerns? 11 MS. NICKSON: Excuse me. What 12 was the date of that 13 memoranda? 14 MR. WALLACE: It's the 12th of 15 July 2004. 16 Q. So if she wouldn't want to hurt you, and 17 you say you hadn't contacted them, then 18 for her to write that would be a lie, 19 wouldn't it? 20 A. Sir, that's the day Gerry Shockley saw 21 her, that same day. That's the day she 22 told me Gerry Shockley came to her office 23 and Cliff Johnson was sitting in there</p>	<p>1 sent that stuff in that way, but it is 2 fraudulent. So when Mike Maddox -- Mike 3 Maddox -- 4 Q. But Felicia Barrow's testimony is going to 5 be that you called her contemporaneously 6 with your leaving National Seating & 7 Mobility and gave her this information. 8 Is she lying? 9 A. Felicia called me. I never called her. 10 She called me. 11 Q. Well, let me ask you this question: On 12 Paragraph 13 of your amended complaint -- 13 I'll read it for you and ask you if this 14 is a true statement. (As read:) 15 "Plaintiff avers that she became aware 16 that the dates on the application were 17 being falsified, whereupon she reported 18 this fact to the director of prior 19 approval department within the Alabama 20 Medicaid agency, and to the best of her 21 knowledge, this information was reported 22 to Gerald Shockley." Well, that says, I 23 called her and reported it.</p>

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<p>1 A. No, I did not.</p> <p>2 MS. NICKSON: I object to the</p> <p>3 form of that.</p> <p>4 Q. Now you may answer.</p> <p>5 A. Oh, I didn't call her.</p> <p>6 Q. Well, how did you report it if you didn't</p> <p>7 call her?</p> <p>8 A. She called me at my home. She and Cliff</p> <p>9 Johnson called me.</p> <p>10 Q. Well, basically, when I read your</p> <p>11 complaint, it appears that the paragraphs</p> <p>12 are set out in chronological order. And</p> <p>13 I'll just point out to you that the next</p> <p>14 paragraph, Paragraph 14, speaks of the</p> <p>15 meeting between you and Michael Roeder on</p> <p>16 April the 15th, 2005. Is that the only</p> <p>17 time you ever met with Michael Roeder --</p> <p>18 A. Yes.</p> <p>19 Q. -- the investigator from the attorney</p> <p>20 general's office?</p> <p>21 A. The only time.</p> <p>22 Q. You're not even really a professional</p> <p>23 acquaintance of his; you just met him one</p>	<p>1 Q. And for the record, the plaintiff is</p> <p>2 examining Defendant's Exhibit 4, which is</p> <p>3 a table of -- I think it would be</p> <p>4 recipients, people who received</p> <p>5 wheelchairs. And the investigator said</p> <p>6 that he asked you to look at that</p> <p>7 Defendants' Exhibit 4 and that you did,</p> <p>8 and that you placed those checkmarks in</p> <p>9 the margins by the names of people who had</p> <p>10 called and complained --</p> <p>11 (The referred-to document was</p> <p>12 marked for identification as</p> <p>13 Defendants' Exhibit No. 4.)</p> <p>14 A. No, they didn't call and complain.</p> <p>15 Q. -- that they did not receive their</p> <p>16 wheelchairs?</p> <p>17 A. No, that's not true.</p> <p>18 Q. That's not true?</p> <p>19 A. That is not --</p> <p>20 Q. Why would he lie?</p> <p>21 A. They didn't call me and complain. These</p> <p>22 are the people that I had worked up their</p> <p>23 chart. They did not call and complain to</p>
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<p>1 time?</p> <p>2 A. One time.</p> <p>3 Q. Would he have any motivation to try to</p> <p>4 misrepresent what you told him?</p> <p>5 A. No. We talked -- he asked me questions,</p> <p>6 do I remember some names --</p> <p>7 Q. Ma'am, excuse me.</p> <p>8 A. Asked me some names. Do I remember -- he</p> <p>9 said this went back to before. I said, I</p> <p>10 don't know about it. He said, can you</p> <p>11 look on here and tell me anybody that you</p> <p>12 probably know that you probably worked on.</p> <p>13 And I said, I don't know -- I said -- then</p> <p>14 I said to him, I said, I worked on them,</p> <p>15 but I can't say the wheelchairs were never</p> <p>16 delivered to them; I have no idea; that's</p> <p>17 what you're asking me. So he said, just</p> <p>18 -- do you think of any names that, you</p> <p>19 know, you might have seen come across the</p> <p>20 desk or whatever. So, yeah, I remember</p> <p>21 April at that -- you know, Alexander, but</p> <p>22 I can't tell you if there's anything wrong</p> <p>23 with her thing.</p>	<p>1 me. They always called Medicaid and</p> <p>2 complain.</p> <p>3 Q. That's not what he said when you talked</p> <p>4 with Mr. Shockley.</p> <p>5 A. Oh, I can't even -- Mr. Shockley? Mr.</p> <p>6 Shockley? I never talked to Mr. Shockley.</p> <p>7 Q. No, I'm saying Investigator Roeder talked</p> <p>8 with Mr. Shockley and gave him a</p> <p>9 statement. And we have that on tape</p> <p>10 too --</p> <p>11 A. Well, you have -- you've got a tape?</p> <p>12 Q. -- that describes what you said --</p> <p>13 A. Well, then, let me listen to the tape.</p> <p>14 That's not true. Have these people -- I</p> <p>15 don't even know them by name. These are</p> <p>16 kids. I don't even know their mothers.</p> <p>17 These are kids' charts here, that I --</p> <p>18 Q. Why would the investigator just make up</p> <p>19 what you are characterizing really is a</p> <p>20 lie?</p> <p>21 A. Well, then why did it get straightened out</p> <p>22 in court when Felicia corrected -- I</p> <p>23 never, ever, ever said these people never</p>

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<p>1 got their wheelchairs. These are kids 2 that I remember working on their chart. 3 MS. NICKSON: Counselor, did you 4 say that there was a tape 5 recording of a interview of 6 -- 7 MR. WALLACE: Not of your client. 8 Not of your client and 9 Mr. Roeder; it's what 10 Mr. Roeder told Shockley. 11 MS. NICKSON: Okay. All right. 12 MR. STEWART: Before we move off 13 of 4, do social security 14 numbers appear on there? We 15 may need to redact -- 16 MR. WALLACE: I haven't even 17 thought about it. 18 THE WITNESS: There's some in the 19 back from 2003. I don't 20 even know those people. 21 MR. WALLACE: It has a number 22 that possibly is. Look on 23 the recipient base IC, that</p>	<p>1 remember these children that I sent to 2 Medicaid that I worked up; anything else, 3 if it came back after I was gone, I had no 4 idea. I just remember their names, so -- 5 the parents, I never -- 6 Q. That's just not credible, that people who 7 don't know you, don't have business 8 dealings with you, would sit around and 9 accuse you of a crime falsely. That's 10 just not credible. 11 A. Then what is credible? 12 MS. NICKSON: Wait a minute. 13 Hold on. I object to that, 14 Counselor. It's not a 15 question. 16 MR. WALLACE: You're correct. 17 You're correct. Thank you, 18 ma'am. I think that's all I 19 have. Thank you. 20 MR. STEWART: Do you just want to 21 go ahead, or do you want me 22 to ask questions? I had 23 some more questions I was</p>
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<p>1 may be -- 2 THE WITNESS: Those are Medicaid 3 numbers or their social 4 maybe. I don't know. I 5 think Medicaid is their 6 social security number. 7 MR. STEWART: We might need the 8 court reporter just to 9 redact that before she makes 10 copies? 11 MR. WALLACE: Yes. 12 MR. STEWART: I don't tell to get 13 in trouble with any court. 14 Q. What motivation would Gerald Shockley have 15 to tell a lie about you, ma'am? 16 A. I never met him, so I don't know. So he 17 went by -- off what Don said. Me and 18 Mr. Roeder talked about -- he showed me a 19 whole list with people's names on it. 20 Some of these are dated back in 2003. I 21 said, I don't know anything about that. I 22 said, I don't even know anything -- I just 23 started there March of 2004. I can only</p>	<p>1 going to ask, but I didn't 2 know if you were going to or 3 not. 4 MS. NICKSON: You all go ahead 5 and get finished. 6 MR. STEWART: Okay. 7 EXAMINATION 8 BY MR. STEWART: 9 Q. Ms. Horton, Mr. Walker asked you about the 10 allegations that were set forth in your 11 complaint against Don Williams that he, 12 quote, was questioned, comma, and he 13 accused her of lying because her 14 employment with National Seating & 15 Mobility was terminated, period, end 16 quote. Do you remember those questions? 17 A. Yes. 18 Q. Do you have any evidence that anyone at 19 National Seating knew that, if it's true, 20 Mr. Williams accused you of lying because 21 your employment was terminated, other than 22 Mr. Williams? 23 A. Did anyone else -- like I said, Felicia</p>

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<p>1 and Cliff told me that Gerry Shockley told 2 them that. 3 Q. No, no, no. Anyone at National Seating 4 knew that Mr. Williams had testified to 5 that, if he did? 6 A. I don't know. 7 Q. Okay. Or that he told anybody that? 8 A. I don't know. No, I don't, have no idea. 9 Q. Do you have any evidence that National 10 Seating played any role in what Don 11 Williams said or did not say to any 12 investigator? 13 A. I do not, no. 14 Q. In your employment application to Hyundai, 15 which I'll mark as Defendants' 5, do you 16 recall being asked to list your employment 17 history when you applied for them? 18 (The referred-to document was 19 marked for identification as 20 Defendants' Exhibit No. 5.) 21 A. Yes, I can, some of them. 22 Q. And did you put in your employment history 23 that you had worked for a period of time</p>	<p>1 A. Well, I had to fill in what I had worked 2 in a full-time position, any job that I 3 was hired on -- they were temporary, so I 4 put it down as I was told. 5 Q. Did you tell her that you had worked at 6 National Seating? 7 A. I did that application twice. It's on my 8 very first application. 9 Q. I'm just asking you a simple question. 10 A. Well, I filled it out online. And 11 actually, it wasn't -- it was not a her; 12 it was a guy who actually called me, and 13 that gentleman's name was -- when I filled 14 it out online, he said you have to fill in 15 the -- not temporary jobs, permanent jobs. 16 It was a gentleman. Anthony. Anthony 17 Johnson. 18 Q. And did you tell Mr. Johnson about 19 National Seating? 20 A. It was on my first application, and 21 Mr. Johnson sent it back to me and told me 22 how to go -- the guidelines of sending it 23 back because it was corresponding through</p>
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<p>1 for National Seating? 2 A. I don't know. I probably did. It was a 3 temporary job with Kelly Services. 4 Q. Okay. So you would have put Kelly 5 Services instead? 6 A. I don't know what I would -- I don't know. 7 I haven't -- 8 Q. Let me show you Exhibit 5 and ask you if 9 anywhere in there Kelly Services or 10 National Seating appears. 11 A. Oh, okay. I remember this now. Temporary 12 positions, they wanted -- this lady called 13 me several times about my application. 14 Q. What lady? 15 A. In HR. I can't remember her name, the one 16 who did the screening on everything. She 17 wanted to know the full-time positions 18 that I held. I had to do my application 19 over twice, because I had Kelly Services, 20 temporary positions. They want to see a 21 longer span of how you work. 22 Q. So you were told to leave Kelly Services 23 off?</p>	<p>1 him and my husband. He said give it to my 2 husband, and my husband was supposed to 3 give it to me through EDS. It was Anthony 4 Johnson. 5 Q. And did you discuss with Mr. Johnson the 6 fact that you had worked with Kelly 7 Services? 8 A. Yes. 9 Q. And did he tell you to leave it off the 10 resume or your application? 11 A. He said, don't show -- they don't want to 12 know if you bounced around from jobs. 13 It's not a permanent job; it's a temporary 14 job. Anthony told me that. Anthony sent 15 the e-mail to Chris; Chris sent it to me 16 at EDS. 17 Q. And do you still have that e-mail? 18 A. No. EDS was a long time ago. That's how 19 I got my job at Hyundai, through Anthony 20 Johnson. 21 Q. And do you recall certifying your 22 application, stating that, I hereby 23 certify that the entries on this form and</p>

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<p>1 any other statements may by me to Hyundai 2 Motor Manufacturing, Alabama, LLC, are, in 3 connection with my application for 4 employment, true and correct. Do you 5 remember signing that?</p> <p>6 A. Yes. They need people who I worked for 7 permanently so they can call and do a 8 background check on me. Kelly Services 9 doesn't list my name; they list Kelly 10 Services.</p> <p>11 Q. Were you terminated from Kelly Services?</p> <p>12 A. No, I was not.</p> <p>13 Q. Were you terminated from Kelly Services on 14 the same day as your last day at National 15 Seating?</p> <p>16 A. No, I was not. Kelly Services never even 17 told me to this day I was terminated, 18 because I was gone. I had another job.</p> <p>19 Q. Were you terminated from Kelly Services on 20 June 25, 2004?</p> <p>21 A. June 25?</p> <p>22 Q. 2004?</p> <p>23 A. My last day working for Don and them was</p>	<p>1 permanent position.</p> <p>2 Q. On Page 37 of that document -- see how on 3 the bottom it has little bitty page 4 numbers? Do you see that?</p> <p>5 A. Yeah.</p> <p>6 Q. Well, up there, what does it say -- where 7 it says dates of employment from 7/2004 to 8 present? What are they referring to 9 there?</p> <p>10 A. July 2004 is when I started at EDS.</p> <p>11 Q. Okay. So that would be accurate?</p> <p>12 A. Yes.</p> <p>13 Q. That you worked at EDS until the date of 14 this interview?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. And the resume itself, does it 17 mention anywhere on there working at Kelly 18 Services?</p> <p>19 A. No. You have to submit your -- once 20 again, you have to mention your jobs you 21 held for over -- permanent jobs for over a 22 year.</p> <p>23 Q. And so your resume was developed with that</p>
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<p>1 the day after my birthday. It was the 2 20th -- 19th.</p> <p>3 Q. So is that a no, you weren't?</p> <p>4 A. No, I was not.</p> <p>5 Q. Were you terminated at any other time by 6 them?</p> <p>7 A. No.</p> <p>8 Q. And let me show you Defendants' Exhibit 6, 9 which is a copy of your resume. And this 10 was the one that you submitted to Hyundai? 11 (The referred-to document was 12 marked for identification as 13 Defendants' Exhibit No. 6.)</p> <p>14 A. Yeah.</p> <p>15 Q. Do you remember submitting that 16 application?</p> <p>17 A. I remember submitting this resume -- went 18 through Anthony Johnson and Stacy -- Stacy 19 was actually a recruiter -- she was 20 working part-time. Stacy Jones was a 21 recruiter, and they first hired me on as a 22 temporary through their service, a 23 one-year contract. But then I got a</p>	<p>1 instruction in mind?</p> <p>2 A. Yes. You never fill a resume out with all 3 the temp jobs you had, unless they're over 4 a year.</p> <p>5 Q. Okay. That's all I have. Thank you. 6 MR. WALKER: Just one or two 7 things real quick. Where 8 are we in terms of the 9 exhibits?</p> <p>10 THE REPORTER: Number 7.</p> <p>11 MR. STEWART: Can I --</p> <p>12 MR. WALKER: Do you want to go 13 ahead and ask? Just go 14 ahead and ask.</p> <p>15 Q. (By Mr. Stewart:) Did you ever work for 16 EDS in Plano, Texas?</p> <p>17 A. Plano, Texas? The first time -- no. The 18 first time I've been to Texas was in July. 19 That's their home office in Plano, Texas.</p> <p>20 Q. And you're being represented by Catherine 21 Dickie (phonetic) in your case against 22 Hyundai? Were you at some time being 23 represented by her in your case against</p>

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<p style="text-align: right;">Page 354</p> <p>1 Hyundai?</p> <p>2 A. Yes.</p> <p>3 Q. And have you terminated her?</p> <p>4 A. Yes.</p> <p>5 Q. And have you hired another counsel in your</p> <p>6 case against Hyundai?</p> <p>7 A. Yes.</p> <p>8 Q. And who is that counsel?</p> <p>9 THE WITNESS: Well, will you</p> <p>10 represent me in Hyundai?</p> <p>11 Q. I take it that you don't have counsel</p> <p>12 right now; is that right?</p> <p>13 A. That's right.</p> <p>14 Q. So is it your present intent to sue</p> <p>15 Hyundai?</p> <p>16 A. I just want Hyundai to make it right.</p> <p>17 Like I said -- this thing with Catherine</p> <p>18 Dickie -- let me just point this out.</p> <p>19 See, EEOC, they had to -- Catherine was my</p> <p>20 initial attorney, and they had closed it,</p> <p>21 but then after they found out evidence was</p> <p>22 produced that Tommy had lied, they opened</p> <p>23 it back up. And when they opened it back</p>	<p style="text-align: right;">Page 356</p> <p>1 response to Don Williams' interrogatories</p> <p>2 and request for production. I just want</p> <p>3 you to validate that for the record.</p> <p>4 (The referred-to document was</p> <p>5 marked for identification as</p> <p>6 Defendants' Exhibit No. 7.)</p> <p>7 A. Yeah.</p> <p>8 Q. Okay. And let me just have it back for a</p> <p>9 second, please. I'll ask you, is -- on</p> <p>10 the third page of this document, is that</p> <p>11 your signature there?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And that's Exhibit 7. Thank you</p> <p>14 very much.</p> <p>15 (The deposition of ELIZABETH</p> <p>16 HORTON concluded at</p> <p>17 approximately 4:45 p.m. on</p> <p>18 November 20, 2007.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 355</p> <p>1 up, you know, I didn't want Catherine as</p> <p>2 my lawyer anymore.</p> <p>3 Q. Is it your present intent to sue Hyundai?</p> <p>4 A. Well, yeah.</p> <p>5 Q. Okay. Thank you.</p> <p>6 EXAMINATION</p> <p>7 BY MR. WALKER:</p> <p>8 Q. All right. Let me just put in a few</p> <p>9 documents, if you don't mind. Let me show</p> <p>10 you what I've marked as Defendants'</p> <p>11 Exhibit 7, and I'll represent to you that</p> <p>12 it's plaintiff's initial disclosures and</p> <p>13 ask you if you have ever seen that</p> <p>14 document before. I'll tell you what.</p> <p>15 I'll withdraw that. It's filed. All</p> <p>16 right.</p> <p>17 MR. WALKER: Do you want me to</p> <p>18 make a new Exhibit Number 7?</p> <p>19 (Off-the-record discussion.)</p> <p>20 Q. What I'm showing you are Plaintiff's</p> <p>21 Response to Defendant Don Williams</p> <p>22 Interrogatories and Request For Production</p> <p>23 and ask you if, in fact, that is your</p>	

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